

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**ESTATE OF BARBARA JEANETTE DESKIN, DECEASED**

*By and Through Teressa*

*Ann Currier, Executrix of Estate Of  
Barbara Jeanette Deskin, Deceased*

**PLAINTIFF**

**V.**

**CAUSE NO. 3:19-CV-265-MPM-JMV**

**DIVERSICARE OF SOUTHAVEN, LLC D/B/A  
DIVERSICARE OF SOUTHAVEN; DIVERSICARE  
MANAGEMENT SERVICES CO.; DIVERSICARE  
LEASING COMPANY III, LLC; AND DIVERSICARE  
HEALTHCARE SERVICES, INC.**

**DEFENDANTS**

**ORDER**

This matter is before the Court on the defendants' motion for leave to conduct limited, arbitration-related discovery. For the reasons discussed below, the motion is granted.

Defendants seek to take limited discovery in the instant action as relates to 1) the plaintiff's actual or apparent authority to execute the arbitration agreement and 2) Ms. Deskin's competency to grant such authority.

The plaintiff, though filing an "objection" to the request, actually assert no real objection to the discovery proposed. Instead, it appears to suggest that additional discovery is necessary. To the extent the plaintiff seeks itself to take arbitration-related discovery, it may file a motion seeking that relief, to which the defendants will have an opportunity to respond.

In the interim, the court finds well taken the instant motion for discovery and hereby orders that the following discovery be had:

1. A single deposition of plaintiff, Teressa Currier, may be taken on issues pertaining to her actual or apparent authority to act on behalf of her mother, Barbara Jeanette Deskin;

2. Requests for production of limited third-party documents (i.e., financial records, medical records, etc.) which would reasonably bear on the issues of Teressa Currier's actual or apparent authority to execute the Arbitration and Admission Agreements; and
3. Service of no more than five (5) arbitration-related interrogatories and five (5) requests for production of documents to develop evidence on the issues of actual and apparent authority, as well as Ms. Deskin's competency to grant any such authority.

Defendants' Notice of Deposition shall be filed and all other discovery shall be propounded within thirty (30) days of today's date. The plaintiff's deposition shall be taken and all discovery responded to within thirty (30) days thereafter.

**SO ORDERED** this, December 11, 2019.

/s/ Jane M. Virden

**UNITED STATES MAGISTRATE JUDGE**